

Appl. No. 10/675,034
Amdt. dated Sept. 15, 2005
Reply to Office Action of June 16, 2005

REMARKS / ARGUMENTS

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

In the Claims

Claims 1 – 20 and 22 - 24 are presented for the Examiner's consideration.

Claims 1, 11 and 13 have been amended to clarify that the check valve mechanism is engaged and releasable attached to other elements of the pump mechanism upon movement of the pump mechanism to a locking position. This amendment finds support in the specification at page 11, lines 1 – 19; page 13, lines 7 – 21; and page 14, lines 4 – 13. No new matter has been added.

Claim 14 has been amended to correct a typographical error in the dependence referenced.

Claim 20 has been amended for clarity to include the limitations of claim 21. Claim 21 has been cancelled. Subsequently, Claim 22 has been amended to correct its dependence. No new matter has been added.

Regarding Examiner's rejections

1. Rejection for anticipation by Cooprider et al.

By way of the Office Action mailed June 16, 2005, claims 1 – 4, 9, 11 – 13, and 18 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 2,956,509 to Cooprider et al. (hereinafter referred to as Cooprider). This rejection is respectfully traversed to the extent that it may apply to the present claims.

Cooprider fails to teach all of the elements of independent claims 1 and 11 of the present invention. Cooprider teaches a fluid dispensing pump where the pump plunger may be immobilized in a configuration such that the fluid is prevented from flowing from the pump barrel to the pump chamber contained therein. When the plunger of the Cooprider pump is fully depressed a probe (34) at the lower end of the plunger will engage a ball valve (22) against its seat (20) and the ball valve will coact with both the seat the probe to close off both against the passage of liquid (see col 3, lines 69 – 75).

However, Cooprider fails to teach a portion of the pump mechanism engages and releasable attaches to a portion of the check valve mechanism, as it claimed in the independent claims of the present invention. While Cooprider provides for a seal when the pump plunger is

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immobilized in a depressed configuration by pressing the plunger probe (34) into the ball valve (22), the plunger probe is not attached in any way to the ball valve. If there is any degree of movement within the interface of the plunger and ball valve, whether due to manufacturing variation or due to jarring movements in handling, fluid may leak through the interface and into the plunger.

Contrarily, as discussed in the specification of the present invention (page 14, lines 4 – 13), a portion of the pump mechanism of the present invention is capable of engaging and releasably attaching to a portion of the check valve mechanism. Therefore, even if there is some slight movement within the pump while in the locked position, the seal between the pump mechanism and the check valve mechanism will remain intact and thus prevent any fluid leakage. When the pump mechanism and check valve are releasably attached to each other, they will move together, unlike the plunger and ball valve of Cooprider.

Therefore, as Cooprider et al. (U.S. Patent No. 2,956,509) fails to disclose each and every element of the Applicant's claims, Applicant respectfully submits that the rejection of claims 1 – 4, 9, 11 – 13, and 18 under 35 U.S.C. § 102(b) is improper and should be withdrawn.

2. Rejection for obviousness by Cooprider et al. in view of Li

By way of the Office Action mailed June 16, 2005, claims 5 – 8, 10, 14 – 17, and 19 – 24 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent No. 2,956,509 to Cooprider et al. (Cooprider) in view of U.S. Patent No. 5,720,419 to Li (hereinafter referred to as Li). This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

As described above, Cooprider does not disclose all the limitations of independent claims 1 and 11, upon which claims 5 – 8, 10, 14 – 17, and 19 depend. Li does not remedy the deficiencies of Cooprider as Li also fails to disclose a check valve mechanism that engages and releasable attaches to elements of the pump mechanism upon movement of the pump mechanism to a locking position. Because Cooprider does not teach or suggest all of the limitations of independent claims 1 or 11, a *prima facie* case obviousness has not been met with regard to claims depending therefrom.

Additionally, independent claim 20 also contains the same limitation regarding pump elements that engage and releasably attach as discussed for independent claims 1 and 11. As

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discussed above, neither Cooprider nor Li teaches such a limitation. Because Cooprider does not teach or suggest all of the limitations of independent claim 20, a *prima facie* case obviousness has not been met with regard to claims depending therefrom.

At least for the reasons given above, the Applicants respectfully submit that the *prima facie* case of obviousness has not been established. Accordingly, the obviousness rejection of claims 5 - 8, 10, 14 - 17, and 19 - 24 under 35 U.S.C. §103(a) is not warranted and should be withdrawn.

For the reasons stated above, and with regard to the previously allowed claims, it is respectfully submitted that all of the present claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (770) 597-8640.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Nathan Hendon, hereby certify that on September 15, 2005, this document is being sent by facsimile to the United States Patent and Trademark Office, central facsimile number for all patent application related correspondence, at 571-273-8300.

By: 

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